

**From:** Steve Cohn  
**To:** Microsoft ATR  
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**Subject:** Proposed settlement is not appropriate for the industry

Although the intent of the Justice Department's settlement with Microsoft is laudable, I do not believe that it takes into account the fast pace of the technology industry, contrasted with the slow pace of litigation. Microsoft has used this discrepancy in the past to its advantage.

The charges around the current case stem from violations made in 1998 while Microsoft was already under a consent decree. It has taken over three years for remedies to even be proposed. During that time, hundreds of companies have been trampled over by Microsoft, and the market position of Windows has only solidified. It is also impossible to estimate how many potential competitors never got off the ground because they dreaded the idea of going up against a monopoly.

The solutions proposed do not prevent these kinds of issues from occurring again, they only provide ways of monitoring them when they do occur; which puts consumers and competitors at the same disadvantage that they were three years ago. If the remedies concentrate on specific technologies and terminologies, rather than the inherent structure and practices of the company, Microsoft will always find a way around them and count on the delay of the Justice system to render the issues moot. Their history speaks for itself.

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